

# ***Bills, Resolutions, Petitions, and Memorials***

## **A. INTRODUCTORY; VARIOUS TYPES OF BILLS, RESOLUTIONS, AND OTHER MECHANISMS FOR ACTION**

### **§ 1. In General**

The objectives of this chapter are to define the various procedures by which measures are introduced and considered by the Congress and to describe the formal steps through which legislation must pass in order to become law. The role of the President in approving or vetoing measures submitted by the Congress is also considered.

While the greater part of the business considered and voted upon in the two Houses of Congress is legislative in character, other kinds of business are taken up by resolution either in one House alone or in both Houses concurrently. These nonlegislative measures, while not having the force of statute and usually limited to declarations of policy or to the internal operations of Congress, nevertheless play an important procedural role. Examples of such business include measures expressing the opinions of Congress on political questions or establishing rules of parliamentary procedure.

### **§ 2. Bills**

The term “bill,” as used in the Constitution,<sup>(1)</sup> refers to the chief vehicle employed by the Congress in the enactment of laws under its legislative power.

Bills are categorized under two headings: public and private. The former are general in their application, while the latter are specific and are limited in application to specified individuals or entities.<sup>(2)</sup>

Chapter 2 of title I of the United States Code contains the following provision regarding the enacting clause of a bill:

§ 101. The enacting clause of all Acts of Congress shall be in the following form: “Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled.”

#### **Cross Reference**

Introduction and reference of bills, see Ch. 16, *supra*.

1. U.S. Const. art. I, § 7.
2. See § 3, *infra*.

*Interpretation of Bills***§ 2.1 It is not in order for a Member to have distributed on the floor of the House copies of a bill marked with his own interpretation of its provisions.**

On Aug. 16, 1935,<sup>(3)</sup> during consideration of a resolution (H. Res. 343) making in order the consideration of the Snyder-Guffey coal bill (H.R. 9100), Mr. Claude A. Fuller, of Arkansas, raised the following parliamentary inquiry:

MR. FULLER: Mr. Speaker, I rise to a parliamentary inquiry. I just sent a page for the bill under consideration, H.R. 9100, and received the copy which I have in my hand. At the top of the bill, pasted onto it is a pink slip, and on that pink slip in typewriting are the words:

Bituminous-coal bill as amended and reprinted—controversial phases largely eliminated. Two-thirds of tonnage output operators favor bill, and more than 95 percent of labor.

My inquiry is to know whether it is proper for anybody to paste such a thing as that on a document of the House and whether it is proper for it to be circulated in the House. This is the first time in my experience that I have ever seen any advertisement on an official document or bill pending in the House. I rise for the purpose of ascertaining how it came there and whether or not it is proper to be on this bill.

3. 79 CONG. REC. 13433, 74th Cong. 1st Sess.

The Speaker:<sup>(4)</sup> The Chair has no information on the subject. Where did the gentleman get his copy of the bill?

MR. FULLER: From a page. I send this copy to the desk so that the Speaker may examine it.

MR. [J. BUELL] SNYDER [of Pennsylvania]: I can tell the gentleman how that came there.

THE SPEAKER: The gentleman may state.

MR. SNYDER: Mr. Speaker, I had so many of these bills sent to my office, and with my secretarial help we wrote those words on that pink slip and pasted the slip on the bill. That is how that happens to be there. I sent copies of these bills with the slip on them to those interested and sent some of them to the desk back here, to be handed out upon request. It is altogether fitting and proper that I should do so. . . .

THE SPEAKER: The Chair knows of no rule or authority for inserting a statement like that to which the gentleman has called attention on a bill, and the Chair instructs the pages of the House not to distribute any more bills carrying this sort of inscription to Members on the floor of the House.

**§ 2.2 The Speaker does not rule on the effect of the provisions of a bill or whether they might have been incorrectly drafted.**

On May 3, 1949,<sup>(5)</sup> during consideration in the House of the Na-

4. Joseph W. Byrns (Tenn.).

5. 95 CONG. REC. 5543, 5544, 81st Cong. 1st Sess.

tional Labor Relations Act of 1949 (H.R. 2032), Mr. Adam Clayton Powell, Jr., of New York, raised a point of order:

MR. POWELL: If this bill uses language which is no longer in keeping with our laws, I raise the point of order that it is incorrectly drawn. On page 53, line 13, this bill uses the language, "to review by the appropriate circuit court of appeals." I make the point of order that there is no longer any circuit court of appeals.

THE SPEAKER: <sup>(6)</sup> There might be 203 Members take the same position that the gentleman from New York does, but that does not alter the situation.

The question is on the engrossment and third reading of the bill.

### **§ 3. Private Bills**

Private legislation is the means by which the Congress grants relief to ". . . one or several specified persons, corporations, institutions, etc. . . ." <sup>(7)</sup> who may have no other legal remedy available to them. It also provides a means whereby honoraria are granted to individuals, but by far its most common usage pertains to granting a remedy to the personal and pecuniary grievances of individuals. <sup>(8)</sup>

6. Sam Rayburn (Tex.).

7. 4 Hinds' Precedents Sec. 3285.

8. In the 92d Congress, for example, 609 bills and resolutions regarding claims against the United States

Private laws constitute a significant portion of the total number of laws passed by each Congress. For example, in the 92d Congress 161 private laws and 607 public laws were enacted. <sup>(9)</sup>

The distinction between public and private bills is sometimes difficult to make. A statutory definition of a private bill was enacted in 1895 <sup>(10)</sup> and amended in 1905. <sup>(11)</sup> However, this definition <sup>(12)</sup> was removed from title 44 of the United States Code when that title was enacted into positive law in 1968. <sup>(13)</sup> Through the years the

were referred to the House Committee on the Judiciary and 2,144 bills and resolutions concerning individual immigration problems. U.S. House of Representatives. Final Legislative Calendar, Committee on the Judiciary (92d Cong.), p. 10.

9. For a table listing private and public laws enacted in each Congress since the 52d Congress, see Calendars of the United States House of Representatives and History of Legislation, Final Edition (92d Cong.), p. 261.
10. Jan. 12, 1895, Ch. 23, §55, 28 Stat. 609.
11. Jan. 20, 1905, Ch. 50, §2, 33 Stat. 611.
12. ". . . The term 'private bill' shall be construed to mean all bills for the relief of private parties, bills granting pensions, bills removing political disabilities, and bills for the survey of rivers and harbors." Codified at 44 USC Sec. 189 (1964 ed).
13. Oct. 22, 1968 Pub. L. No. 90-620, §706, 82 Stat. 1238, 1248.